

**AN ORDINANCE REGULATING THE KEEPING,
CONFINEMENT, REGISTRATION, VACCINATION,
LICENSING AND IMPOUNDMENT OF DOGS**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1: REGISTERING OF DANGEROUS ANIMALS

1. No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, hyena, wolf, or coyote, or any deadly, dangerous, or poisonous reptile, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has registered such animals with the Police Department.
2. Violation of this section is punishable by a fine of up to Three Hundred and 00/100 (\$300.00) Dollars and/or up to thirty (30) days in jail. [R.S.Mo. 578.023]

Section 2: ANIMALS RUNNING AT LARGE PROHIBITED

It shall be unlawful for the owner of any animal or animals of the species of horse, mule, ass, cattle, swine, sheep, or goat, to permit the same to run at large within the limits of the City of Wood Heights outside of the enclosure of the owner of such stock; and if any of the species of the domestic animals aforesaid be found running at large in the streets or alleys of said city, outside the enclosure of the owners, it shall be the duty of the Chief of Police or other police or ministerial officer, when on duty, to restrain and impound the same forthwith, and within three days after the taking up of the said animal or animals, the Chief of Police shall give notice thereof to the owner, if known, in writing, stating therein the compensation for feeding or keeping such animal or animals and fees claimed, and thereupon the owner shall pay to the City for taking up such animal or animals. [R.S.Mo. 270.010]

Section 3: NOTICE WHERE OWNER UNKNOWN

If the owner or owners of such animal or animals be not known, the Chief of Police shall give notice by posting at City Hall in the City of Wood Heights, giving therein an accurate and minute description of said animal or animals, stating when the same was taken up by him.

Section 4: REDEMPTION OF ANIMAL

The owner of any animal taken up and impounded, as provided in this Ordinance, may redeem the same at any time on or before the day of sale by paying the City fees and such necessary expenses as have been incurred by reason of the detention of such animal or animals, and thereupon the City shall forthwith deliver the animals so redeemed to the owner thereof or his or her legal representative.

Section 5: INTERFERENCE WITH PROVISIONS

If any person shall willfully break or otherwise open any pen or pound, and let out any animal impounded by virtue of and in accordance with the provisions of this Ordinance, or shall interfere with the Chief of Police, or his assistants or deputies, or attempt by force or otherwise to take out of their possession or custody, any animal that may be driven by them for the purpose of impounding the same, he shall forfeit and pay a fine of not less than five nor more than thirty dollars, to be recovered as other penalties before the municipal judge, for every offense, and the fees of the Chief of Police for taking up such animal shall be taxed as part of the costs.

DOG LICENSES

Section 6: DOGS TO BE VACCINATED AND LICENSED

It shall be unlawful for any person within the city limits of the City of Wood Heights, Missouri, to own, keep, possess, harbor and control or to permit to remain on his premises any dog over the age of six (6) months which has not been vaccinated against rabies and licensed in accordance with the terms set forth in this Ordinance.

Section 7: VETERINARIAN TO VACCINATE

Vaccination against rabies shall be performed by a duly licensed veterinarian.

Section 8: LICENSE

A city dog license shall be issued by the City Clerk when the following requirements have been met:

(a). Presentation of a certificate showing the name and address of the owner, sex of the dog, description of the dog, and date of vaccination against rabies. The certification of vaccination against rabies must indicate the dog has been vaccinated for a period not less than the period for which the City license is to be effective and must contain verification that the animal has or has not been spayed/neutered.

(b). Payment of a City license for each dog in the amount of \$7.50 per dog if spayed/neutered, and \$15.00 if not.

Section 9: EXCEPTIONS TO LICENSE FEE

No fee for a City license shall be required for a service dog, but not more than one, owned by a disabled person. Proof of disability may be made in the form of an affidavit to be signed by the person applying for a license. Such affidavit, if based on blindness, shall recite that the applicant does not have vision greater than what is known as light perception. "Light perception", as used in this section, means vision sufficient only to distinguish light from darkness and recognize the motion, not the form, of the hand of the examiner at a distance not greater than one foot from the eye. All other provisions of this Ordinance shall remain in full force and effect as to such persons. In the event of a transfer of ownership to a person who is not disabled immediate application for a new license is required.

Section 10: LICENSES DUE DATE

All dog licenses shall be required to be purchased annually.

Section 11: DOG TO WEAR LICENSE TAGS

The owner of the dog shall cause the City license tags issued by the City to be securely fastened to the collar, said collar to be worn continuously around the dog's neck.

Section 12: UNLAWFUL TO REMOVE TAGS

It shall be unlawful for any person to remove or cause to be removed a City license tag from a dog without written consent of the owner of said animal or animals.

Section 13: DOGS RUNNING AT LARGE PROHIBITED

(a). It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow said dog to run at large within the City. For the purpose of this section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harbinger to run at large when found outside of the premises of the owner, keeper or harbinger and not effectively physically restrained on a chain or leash, or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(b). A legally blind person using a Seeing Eye dog in the customary manner shall be deemed to be in compliance with this section.

(c). Official use of dogs by any governmental unit shall be deemed in compliance with this section.

Section 14: EXCESSIVE ANIMAL NOISE

No person shall own or keep any animal which by making excessive noise disturbs a neighborhood. The following definitions and conditions shall be specially applicable to enforcement of the aforesaid prohibition of this section:

1. The phrase "*excessive noise*" shall mean and include any noise produced by an animal which is so loud and continuous or untimely as to disturb the sleep of a neighbor.

2. The term "*neighbor*" shall mean an individual residing in a residence structure which is within one hundred (100) yards the property on which the animal is kept or harbored and who does in writing state that he will testify under oath to said animal making excessive noise.

3. If a general ordinance summons is issued charging violation of this section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter.

Section 15: DANGEROUS DOGS

A. Definitions.

As used in this section of the Code of Ordinances the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

1. "*Vicious Dog*" means:

a. Any dog that when unprovoked inflicts bites or attacks a human being or other animals either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

b. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

c. Any dog which attacks a human being or domestic animal without provocation; or

d. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

e. Any dog not licensed according to City ordinance.

2. "*Enclosure*" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosures shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

3. "*Dog Officer*" means any employee of the City whose duties include animal control.

4. "*Impounded*" means taken into the custody of the City.

5. "*Person*" means a natural person of any legal entity, including but not limited to, a corporation, firm, partnership or trust.

B. Requirements for Registration.

1. No vicious dog shall be licensed by the City for any licensing period commencing after enactment of this ordinance unless the owner or keeper of such vicious dog shall meet the following requirements:

a. The owner or keeper shall present to the city clerk, proof that the owner or keeper has procured liability insurance in the amount of at least One Hundred Thousand Dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the city clerk where such dog is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

b. The owner or keeper shall provide that the licensing number assigned to such vicious dog, or such other identification number as the city clerk shall determine, shall be noted on animals collar or tag so as to be readily ascertainable by a law enforcement officer or emergency medical personnel. Said number shall be noted on the city licensing files for such vicious dog.

c. The owner or keeper shall display a sign on his or her premises warning that there is a vicious dog on the premises. Said sign shall be visible and capable of being read from the public street.

d. The owner or keeper shall sign a statement attesting that:

(I) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license.

(II) The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure for the vicious dog on the property where the vicious dog will be kept or maintained.

(III) The owner or keeper shall notify the licensing authority immediately if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human, or has died or has been sold or given away. If the vicious dog has been sold or given away the owner or keeper shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious dog.

2. A dog officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provision of this Ordinance, and any such dog officer is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof.

C. Control of Vicious Dogs.

All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with commands or directions of the dog officer with respect to the vicious dog. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds not exceeding three (3) feet in length, and shall be under the direct control and supervision of a person over the age of eighteen (18) years.

D. Purpose or Intent - Harboring.

No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any vicious dog.

E. Probable Cause - Seizure.

In the event that a dog officer or law enforcement agent has probable cause to believe that a vicious dog is being harbored or cared for in violation of section D, the dog officer or law enforcement agent may order the seizure and impoundment of the vicious dog pending trial.

F. Penalties for Violation.

1. Any vicious dog which does not have a valid license in accordance with the provisions of this Ordinance, or

2. Whose owner or keeper does not secure the liability insurance coverage required in accordance with section B of this section, or

3. Which is not maintained on property with an enclosure, or

4. Which shall be outside of the dwelling of the owner or keeper, or outside of an enclosure except as provided in section C, may be confiscated by a dog officer and promptly destroyed in an expeditious and humane manner. In addition, the owner or keeper shall pay a Two Hundred Fifty Dollar (\$250.00) fine.

a. If any vicious dog shall kill, wound or worry or assist in killing or wounding any animal the owner or keeper of said dog shall pay a Two Hundred Fifty Dollar (\$250.00) fine and the dog officer is empowered to confiscate and the owner or keeper shall destroy said vicious dog and for each subsequent violation the owner or keeper of said dog shall pay a fine of Five Hundred Dollars (\$500.00).

b. If any vicious dog shall attack, assault, wound, bite or otherwise injure or kill a person, the owner or keeper shall pay a Five Hundred Dollar (\$500.00) fine.

H. Severability.

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

Section 16: DOGS OR OTHER ANIMALS PUTTING PERSONS IN FEAR

No person shall own, keep or harbor any dog or other animal which by jumping upon or threatening persons upon public streets shall cause persons to be put in fear of injury. This section shall apply to animals while being walked on leashes and the unprovoked attack by an animal on a leash upon any person shall constitute on assault or battery by the person holding the leash and failing to prevent unprovoked attack by such animal.

Section 17: ABANDONMENT OF DOG OR CAT

No person shall release, dump or abandon within the City Limits any stray dog or cat.

Section 18: DOGS OR CATS IN HEAT

The owner, keeper or person harboring any female dog or cat shall, during the period that such animal is "in heat," keep it securely confined and enclosed within a building except when out upon such person's premises briefly for toilet purposes while on leash or otherwise effectively physically restrained. For the purpose of this section, "briefly for toilet purposes" shall consist of a maximum time of fifteen (15) minutes on each separate occasion.

Section 19: IMPOUNDING AND DISPOSAL OF CAPTURED DOGS OR CATS

1. Any dog or cat in violation of any section of this Ordinance is subject to being picked up and impounded in a place so provided by the City of Wood Heights.

2. Dogs or cats may be redeemed from the contract kennel by complying with the following provisions:

A. The owner may redeem his dog or cat as follows:

(a) Payment of fees and costs to the contract kennel for feeding, care, and boarding by the contract kennel for days dog or cat is impounded.

(b) If dog is unlicensed, compliance with the licensing section of this Ordinance, in addition to above requirements.

B. Any dog or cat left in the contract kennel over seven (7) days shall be disposed of in the following manner unless otherwise provided for by the owner:

(a) Any competent person may adopt an unclaimed dog or cat upon compliance with the rules and regulations of the holding facility.

(b) Adoption may commence when an animal has remained unclaimed for seven (7) days with the approval of the Mayor and/or Chief of Police.

(c) Animals shall be disposed of in a humane manner.
[R.S.Mo. 273.403, R.S.Mo. 273.405]

Section 20: EXCEPTION TO SEVEN (7) DAY DISPOSAL

1. Owner may make arrangements with the Animal Control Officer for a reasonable delay if circumstances do not permit him to immediately reclaim the dog or cat.

2. Any dog or other animal that has bitten or scratched a person or other animal must be kept, at owner's expense, in the contract kennel for a minimum of ten (10) days for observation and a report rendered to the person bit or scratched or to the owner of animal bit, of condition of confined animal concerning rabies. This report will also be rendered to any official that requires such a report. Any animal found to be rabid shall be disposed of as required by the health ordinances of this City or any laws of the State of Missouri.

3. Any dog classified as dangerous, as defined in this Ordinance, shall be disposed of as the Municipal Court may direct.

Section 21: DISPOSING OF ANIMAL

Any person desiring to dispose of a dog or cat may do so by delivering it to the a veterinarian or humane society shelter and paying the fee to them for the disposal.

Section 22: INTERFERENCE WITH ENFORCEMENT

Any individual who shall hinder or obstruct an official in the enforcement of this Ordinance shall be punished by a fine of not less than Five Dollars (\$5.00) and not more than Five Hundred Dollars (\$500.00).

Section 23: ENFORCEMENT

This Ordinance shall be enforced by the police department or other persons designated by the Board of Aldermen to enforce this Ordinance.

PROHIBITING ANIMAL ABUSE AND NEGLECT

Section 24: DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings specifically ascribed to them by this section:

1. *Adequate care* - Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

2. *Adequate control* - To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property.

3. *Animal* - Every living vertebrate except a human being.

4. *Animal shelter* - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals.

5. *Farm animal* - An animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber.

6. *Harbor* - To feed or shelter an animal at the same location for three or more consecutive days.

7. *Humane killing* - The destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:5972, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

8. *Owner* - In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

9. *Person* - Any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

10. *Pests* - Birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri. [R.S.Mo. 578.005]

Section 25: ACTS AND FACILITIES TO WHICH SECTIONS 26 TO 29 DO NOT APPLY

11. With respect to farm animals, normal or accepted practices of animal husbandry;

12. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;

13. The killing of house or garden pests; or

14. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri. [R.S.Mo. 578.007]

Section 26: DUTIES OF DOG AND CAT OWNERS

The owner of a dog or cat shall provide it with humane shelter from heat, cold, rain, wind and snow, and shall give it food and water adequate to keep the animal in good health and comfort. Animal shelters, to include dog houses and kennels, shall be soundly constructed, dry and provided in cold weather with clean bedding. All dogs or cats must be given an opportunity for vigorous daily exercise and must be provided by their owners with veterinary care when needed to prevent suffering. No owner shall permit a dog or cat habitually to bark, howl, meow or cry, or in other ways to be a public nuisance.

Section 27: ANIMAL NEGLECT

1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal

in any place without making provisions for its adequate care which results in substantial harm to the animal.

2. Animal neglect is punishable by fine of up to Five Hundred and 00/100 (\$500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 578.009]

Section 28: PROHIBITING ENTICEMENT OF ANIMAL FROM PREMISES OF OWNER

It shall be unlawful for any person to tease, aggravate or entice in any manner any animal belonging to another person from the premises of the owner or to offer or tempt any animal with any liquid or meat or other food which shall cause prostration or convulsion or death, or be proved to be toxic or lethal to any man or domestic animal in the amount present by a competent medical doctor or licensed veterinarian.

Section 29: ANIMAL ABUSE

A. A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of 273.030, RSMo.

2. Purposely or intentionally causes injury or suffering to an animal; or

3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

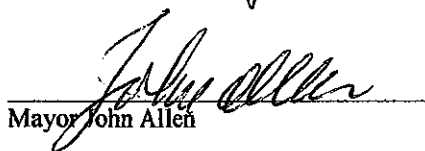
B. Animal abuse is punishable by a fine of up to Five Hundred and 00/100 (\$500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

C. For purposes of this section, "animal" shall be defined as a mammal.

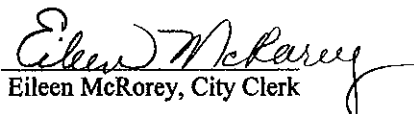
Section 30: PENALTY

Any person, firm or corporation violating any provision of this Ordinance, where another penalty is not specified, shall be punished by a fine of not less than Five and 00/100 Dollars (\$5.00) and not more than Five Hundred and 00/100 (\$500.00).

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Read two times and passed by the board of alderman, and approved by the mayor this 14th day of June, 2005.


Mayor John Allen

ATTEST:


Eileen McRorey, City Clerk